

Nigeria Data Protection Act (NDPA) 2023 and

GAID 2025 Controls Table

The following table captures the clauses, requirements, and controls from the Nigeria Data Protection Act (NDPA) 2023 and its General Application and Implementation Directive (GAID) 2025, including schedules. Each entry includes a description, risk, KPI, action items, applicable deliverables, and corresponding GAID articles or schedules where applicable. The NDPA serves as the primary requirement column, with GAID articles and schedules represented in a separate column to show their alignment and supplementary guidance.

NDPA Clause/Requirement	Description	Risk	KPI	Action Items	Applicable Deliverables	GAID Article/Schedule
Part I: Objectives and Application						
1: Objectives	Establishes the NDPA's goals to safeguard data subjects' rights, regulate personal data processing, promote secure practices, ensure fairness, protect rights, establish the Nigeria Data Protection Commission, and strengthen the digital economy.	Failure to align with objectives leading to non-compliance or privacy violations.	Percentage of objectives integrated into organizational policies; compliance audit pass rate.	Align organizational policies with NDPA objectives; train staff on objectives; monitor compliance.	Policy alignment document; training records; compliance reports.	Article 1: Objectives and Application
2: Application	Applies to personal data processing by automated or non-automated means for	Inconsistent application across jurisdictions	Percentage of processing activities covered by	Map processing activities to NDPA scope; ensure extraterritorial	Applicability assessment; compliance	Article 1(2)-(4): Application to data subjects; Article 2: Material Context

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	controllers/processors domiciled, resident, or operating in Nigeria, or processing data of Nigerian subjects.	causing legal exposure.	NDPA; extraterritorial compliance rate.	compliance; document applicability.	mapping document.	
3: Exemption of Application	Exempts processing for personal/household purposes, criminal investigations, public health emergencies, national security, journalism, or legal claims, with Commission oversight for violations.	Misuse of exemptions leading to privacy breaches.	Exemption review frequency; violation incident rate.	Review exemptions; ensure compliance with safeguards; monitor for violations.	Exemption policy; violation reports; guidance notices.	Article 5: Evaluation of Exemptions; Article 6: Household/Personal Processing
Part II: Establishment of the Nigeria Data Protection Commission and Governing Council						
4: Establishment of the Commission	Establishes the Nigeria Data Protection Commission as a corporate body with perpetual succession, capable of suing, being sued, and holding property.	Lack of operational Commission hindering data protection enforcement.	Commission operational status; resource allocation rate.	Establish Commission infrastructure; appoint leadership; secure funding.	Commission charter; operational plan; budget reports.	N/A

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5: Functions of the Commission	Includes regulating data protection, accrediting compliance services, registering controllers/processors, promoting awareness, handling complaints, ensuring compliance, and advising on policy.	Ineffective Commission functions leading to weak enforcement.	Number of registered entities; complaint resolution rate.	Operationalize Commission functions; conduct outreach; process complaints.	Registration database; awareness campaign reports; complaint logs.	Article 4: Cooperation with Public Authority
6: Powers of the Commission	Empowers the Commission to oversee NDPA implementation, issue regulations, prescribe fees, conduct investigations, impose penalties, and manage assets.	Abuse or underuse of powers undermining regulatory authority.	Regulation issuance rate; penalty enforcement rate.	Develop regulations; conduct investigations; enforce penalties.	Regulations document; investigation reports; penalty records.	Article 7: General Compliance Measures
7: Independence of the Commission	Ensures the Commission operates independently in performing its functions.	External interference compromising regulatory impartiality.	Independence audit findings; conflict of interest incidents.	Establish independence protocols; monitor for interference; report conflicts.	Independence policy; audit reports; conflict logs.	N/A
8-12: Governing Council	Establishes the Council, defines membership, appointment, tenure, cessation, functions, and conflict of interest rules.	Ineffective governance leading to mismanagement or bias.	Council meeting frequency; conflict disclosure rate.	Appoint qualified members; hold regular meetings; enforce conflict rules.	Council charter; meeting minutes; conflict disclosures.	Schedule 1-18: Council Proceedings

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Part III: Appointment of National Commissioner and Staff						
14-18: National Commissioner and Staff	Covers appointment of the National Commissioner, Council Secretary, staff, regulations, and pension provisions.	Inadequate leadership or staffing hindering Commission operations.	Staff appointment completion rate; training compliance.	Appoint qualified Commissioner/staff; develop staff regulations; ensure pension compliance.	Appointment records; staff regulations; pension plan.	N/A
Part IV: Financial Provisions						
19-23: Financial Provisions	Details Commission funding, expenditure, borrowing, accounting, and reporting requirements.	Financial mismanagement leading to operational inefficiencies.	Budget adherence rate; audit compliance score.	Establish financial controls; conduct audits; submit annual reports.	Financial policy; audit reports; annual financial statements.	Article 51: Administrative and Financial Obligations
Part V: Principles and Lawful Basis Governing Processing of Personal Data						
24: Principles of Personal Data Processing	Mandates fair, lawful, transparent processing, purpose limitation, data minimization, accuracy, storage limitation,	Non-compliance with principles leading to privacy violations.	Principle compliance rate; audit findings on principles.	Implement principles in processing; conduct compliance audits; train staff.	Data protection policy; audit reports; training records.	Article 15: Principles of Personal Data Protection; Schedule 1: Principles of Data Protection

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	integrity, and accountability.					
25: Lawful Basis of Personal Data Processing	Requires processing to be based on consent, contract, legal obligation, vital interests, public interest, or legitimate interest.	Unlawful processing leading to legal penalties or breaches.	Lawful basis documentation rate; violation incidents.	Document lawful basis for processing; review regularly; ensure compliance.	Lawful basis register; compliance reports.	Articles 16-26: Lawful Bases (Consent, Contract, Legal Obligation, Vital/Public/Legitimate Interest); Schedule 8: Legitimate Interest Assessment
26: Consent	Requires consent to be freely given, specific, informed, and unambiguous.	Invalid consent leading to unlawful processing.	Consent validity audit rate; consent withdrawal incidents.	Implement consent mechanisms; verify consent validity; allow withdrawal.	Consent policy; consent records; withdrawal logs.	Articles 17-19: Consent, Cookies, Lawfulness
27: Provision of Information to Data Subject	Mandates providing clear information on processing purposes, rights, and controller details.	Lack of transparency eroding trust or compliance.	Information provision compliance rate; data subject complaints.	Develop privacy notices; distribute to data subjects; monitor feedback.	Privacy notice; distribution records; complaint logs.	Article 27: Information to Data Subjects
28: Data Privacy Impact Assessment	Requires DPIAs for high-risk processing to assess and mitigate risks.	Unidentified risks causing breaches or non-compliance.	DPIA completion rate; risk mitigation effectiveness.	Conduct DPIAs for high-risk activities; implement mitigations; document findings.	DPIA reports; mitigation plans.	Article 28: Data Privacy Impact Assessment; Schedule 4: DPIA

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29: Obligations of Data Controller and Processor	Mandates controllers/processors to implement technical/organizational measures, ensure compliance, and engage compliant processors.	Non-compliance by processors leading to breaches.	Processor compliance rate; contract audit findings.	Vet processors; include compliance clauses in contracts; monitor performance.	Data processing agreements; compliance audit reports.	Article 34: Data Processing Agreement
30: Sensitive Personal Data	Restricts processing of sensitive data (e.g., biometric, health, political) unless specific conditions are met.	Mishandling sensitive data causing severe privacy violations.	Sensitive data processing compliance rate; incident rate.	Implement strict controls for sensitive data; train staff; audit compliance.	Sensitive data policy; training records; audit reports.	Article 15: Principles (re sensitive data)
31: Children or Persons Lacking Legal Capacity	Prohibits processing children's or incapacitated persons' data without guardian consent.	Unlawful processing of vulnerable data leading to legal issues.	Consent verification rate; violation incidents.	Verify guardian consent; implement age verification; monitor compliance.	Consent verification records; age verification system.	Article 18: Data Processing Requiring Consent
32: Data Protection Officers	Requires designation of DPOs for controllers/processors of major importance.	Lack of DPO leading to compliance gaps.	DPO designation rate; DPO performance audit score.	Appoint qualified DPOs; define roles; assess credentials.	DPO appointment letter; role description; assessment reports.	Articles 11-14: DPO Designation, Position, Assessment
33: Data Protection Compliance Services	Allows Commission to accredit compliance service providers.	Unqualified providers causing	Accreditation rate; provider audit findings.	Accredit providers; monitor performance; revoke non-	Accreditation register; audit reports.	Article 46: Capacity Building

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		compliance failures.		compliant accreditations.		
Part VI: Rights of a Data Subject						
34: Rights of a Data Subject	Grants data subjects rights to access, rectify, erase, restrict, and object to processing.	Denial of rights leading to complaints or legal action.	Rights fulfillment rate; complaint resolution time.	Implement rights request processes; train staff; monitor compliance.	Rights request procedure; response logs; training records.	Articles 36-39: Rights to Rectification, Portability, Erasure, Complaints
35: Withdrawal of Consent	Allows data subjects to withdraw consent at any time.	Failure to honor withdrawal requests causing violations.	Withdrawal processing time; complaint rate.	Establish withdrawal mechanisms; process requests promptly; document actions.	Withdrawal procedure; request logs.	Article 17: Reliance on Consent
36: Right to Object	Allows objection to processing based on legitimate interest or public interest.	Ignoring objections leading to unlawful processing.	Objection handling rate; complaint incidents.	Implement objection handling processes; review objections; document decisions.	Objection policy; decision logs.	Article 36: Right to Rectification
37: Automated Decision Making	Restricts automated decisions with significant effects unless consented or necessary.	Unfair automated decisions harming data subjects.	Automated decision compliance rate; complaint rate.	Review automated processes; obtain consent; provide human intervention options.	Automated decision policy; consent records.	Article 18: Consent for Automated Processing

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38: Data Portability	Grants right to receive and transfer personal data in a structured format.	Failure to provide portability hindering data subject rights.	Portability request fulfillment rate; processing time.	Implement portability mechanisms; ensure data format compatibility; document requests.	Portability procedure; request logs.	Article 37: Right to Data Portability
Part VII: Data Security						
39: Security, Integrity, and Confidentiality	Requires technical/organizational measures to ensure data security.	Data breaches due to inadequate security measures.	Security measure implementation rate; breach incident rate.	Deploy security controls; conduct regular audits; train staff.	Security policy; audit reports; training records.	Article 29: Data Security System
40: Personal Data Breaches	Mandates breach notification to Commission and data subjects within 72 hours.	Delayed or absent notifications escalating breach impact.	Notification timeliness; breach resolution rate.	Develop breach response plans; notify promptly; document breaches.	Breach response plan; notification logs.	Article 33: Data Breach Notification
Part VIII: Cross-Border Transfers of Personal Data						
41-43: Cross-Border Transfers	Allows transfers based on adequacy, binding corporate rules, standard clauses, or other safeguards.	Unauthorized transfers leading to data exposure.	Transfer compliance rate; adequacy assessment frequency.	Assess destination adequacy; use approved transfer mechanisms; document transfers.	Transfer agreements; adequacy assessment reports.	Article 45: Cross-Border Data Transfer; Schedule 5: Guidance on Cross-Border Transfer
Part IX: Registration and Fees						

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44: Registration of Data Controllers/Processors	Requires registration of controllers/processors of major importance.	Unregistered entities evading oversight.	Registration compliance rate; audit findings.	Register with Commission; maintain registration; pay fees.	Registration certificate; fee payment records.	Articles 8-9: Designation and Registration; Schedule 7: Registration Guidance
45: Fees and Levies	Authorizes Commission to prescribe fees for registration and processing activities.	Non-payment hindering Commission operations.	Fee collection rate; compliance audit score.	Pay prescribed fees; monitor fee updates; document payments.	Fee schedule; payment receipts.	Article 10: Compliance Audit Returns; Schedule 10: Filing Fees
Part X: Enforcement						
46-53: Enforcement	Covers complaints, investigations, compliance/enforcement orders, penalties, judicial review, civil remedies, forfeiture, and liability.	Weak enforcement leading to non-compliance.	Complaint resolution rate; penalty enforcement rate.	Handle complaints; conduct investigations; enforce penalties; document actions.	Complaint logs; investigation reports; penalty records.	Article 39: Right to Lodge Complaint; Schedule 9: Standard Notice for Grievance
Part XI: Legal Proceedings						
54-59: Legal Proceedings	Details limitations on suits, service of documents, property execution, staff indemnity, arrest/search/seizure powers, and court appearance rights.	Legal challenges disrupting Commission operations.	Legal proceeding resolution rate; indemnity claim incidents.	Establish legal protocols; train staff on proceedings; document actions.	Legal procedure manual; court records; indemnity logs.	Article 47: Jurisdiction of Court

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Part XII: Miscellaneous Provisions						
60-64: Miscellaneous Provisions	Includes ministerial directives, regulations, codes, priority of NDPA, and transitional provisions.	Inconsistent regulations or transitions causing confusion.	Regulation issuance rate; transition completion rate.	Issue and comply with regulations; manage transitions; document compliance.	Regulation documents; transition reports.	Articles 50, 64: Regulations, Transitional Provisions
65: Interpretation	Defines key terms (e.g., personal data, data controller, sensitive data).	Misinterpretation leading to non-compliance.	Terminology usage accuracy; training comprehension score.	Incorporate definitions into policies; train staff on terms.	Glossary document; training records.	Article 52: Definitions
66: Citation	Names the Act as the Nigeria Data Protection Act, 2023.	N/A	N/A	Reference Act correctly in documentation.	Citation reference guide.	N/A
Schedule: Supplementary Provisions for Council Proceedings	Details Council meeting procedures, quorum, voting, teleconferencing, committees, and seal usage.	Ineffective Council operations due to procedural failures.	Meeting frequency; procedural compliance rate.	Establish Council procedures; conduct meetings; document proceedings.	Council standing orders; meeting minutes.	Schedule 1-18: Council Proceedings
GAID-Specific Articles (Not Directly Tied to NDPA Clauses)						

NDPA Clause/Requirement	Description	Risk	KPI	Action Items	Applicable Deliverables	GAID Article/Schedule
Article 3: Statutory Remedy for Multiple Frameworks	Ensures NDPA prevails over conflicting laws for data protection consistency.	Conflicting regulations causing compliance confusion.	Conflict resolution rate; NDPA precedence compliance.	Review other laws; ensure NDPA priority; document resolutions.	Conflict resolution policy; compliance reports.	N/A
Article 4: Cooperation with Public Authority	Promotes collaboration between Commission and public authorities.	Lack of cooperation hindering enforcement.	Collaboration agreement rate; joint initiative success.	Establish cooperation agreements; coordinate with authorities; document outcomes.	Cooperation agreements; collaboration reports.	N/A
Article 35: Interoperable Data Privacy Measures	Encourages benchmarking with global privacy standards.	Non-interoperable measures causing compliance gaps.	Interoperability adoption rate; standard alignment score.	Adopt global standards; benchmark measures; document alignment.	Interoperability policy; benchmarking reports.	N/A
Article 41-42: Data Ethics and Privacy	Promotes ethical data processing and human dignity.	Unethical processing eroding trust or causing harm.	Ethics policy adoption rate; complaint rate on ethics.	Develop ethics policies; train staff; monitor compliance.	Ethics policy; training records; compliance reports.	N/A
Article 43-44: Emerging Technologies	Addresses privacy in emerging technologies (e.g., IoT, AI).	Technology-related privacy risks due to lack of controls.	Technology assessment frequency; risk mitigation rate.	Assess emerging tech risks; implement controls; document findings.	Technology assessment reports; control implementation plans.	N/A

NDPA Clause/Requirement	Description	Risk	KPI	Action Items	Applicable Deliverables	GAID Article/Schedule
Article 46: Capacity Building	Promotes continuous professional development for data protection.	Inadequate skills leading to compliance failures.	Training completion rate; certification rate.	Conduct training programs; certify DPOs; monitor progress.	Training plan; certification records.	N/A
Article 48-49: Compliance Evidence and Obligations	Requires evidence of NDPA compliance and adherence to time-bound obligations.	Lack of evidence leading to enforcement issues.	Compliance documentation rate; audit findings.	Maintain compliance records; meet deadlines; conduct audits.	Compliance documentation ; audit reports.	N/A
Schedule 2: Compliance Audit Returns	Specifies format and requirements for filing compliance audit returns.	Incomplete or late filings causing regulatory gaps.	Filing completion rate; timeliness score.	Prepare and submit returns; verify completeness; meet deadlines.	Compliance audit returns; submission receipts.	Article 10: Filing Compliance Audit Returns
Schedule 3: DPO Assessment	Outlines criteria for assessing DPO credentials and performance.	Unqualified DPOs leading to compliance failures.	DPO assessment completion rate; performance score.	Assess DPO credentials; monitor performance; document results.	DPO assessment reports; performance reviews.	Article 14: DPO Credential Assessment
Schedule 6: Data Subject Vulnerability Indexes	Provides guidance on identifying and protecting vulnerable data subjects.	Failure to protect vulnerable subjects causing harm.	Vulnerability assessment rate; protection measure effectiveness.	Conduct vulnerability assessments; implement protections; document actions.	Vulnerability index; protection plans.	N/A

NDPA Clause/Requirement	Description	Risk	KPI	Action Items	Applicable Deliverables	GAID Article/Schedule
Schedule 8: Legitimate Interest Assessment Template	Guides assessment of legitimate interest as a lawful basis.	Invalid use of legitimate interest causing unlawful processing.	LIA completion rate; compliance audit findings.	Conduct LIAs; document justifications; review regularly.	LIA reports; compliance audit records.	Article 26: Legitimate Interest
Schedule 9: Standard Notice to Address Grievance	Provides a template for data subjects to file complaints.	Unresolved complaints escalating to legal action.	Complaint filing rate; resolution timeliness.	Distribute SNAG template; process complaints; document resolutions.	SNAG forms; complaint resolution logs.	Article 40: Standard Notice for Grievance
Schedule 10: Compliance Audit Returns Filing Fee	Specifies fees for filing compliance audit returns based on DCPMI tier.	Non-payment hindering Commission operations.	Fee payment rate; compliance audit submission rate.	Pay filing fees; verify tier classification; document payments.	Fee payment receipts; tier classification records.	Article 45: Fees